



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590



November 18, 2010

Dear Sauget Area 2 Sites Group:

Thank you for your letter dated August 2, 2010 regarding the Sauget Area 2 Proposed National Priorities List Site (Area 2) site schedule. Since our April 15, 2010 site tour and meeting, the United States Environmental Protection Agency (USEPA) and the Illinois Environmental Protection Agency (Illinois EPA) have come to an agreement on the overarching Applicable or Relevant and Appropriate Requirements (ARARs) for the Sauget Area 2 Sites. Compliance with ARARs is one of the statutory requirements of remedy selection under Section 121 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended (CERCLA or Superfund). The purpose of this requirement is to make CERCLA response actions consistent with other pertinent federal and state environmental requirements, as well as to adequately protect public health and the environment.

The Agencies also decided to continue with groundwater as a separate operable unit, which will include groundwater contamination from Area 2 and the Sauget Area 1 Proposed National Priorities List Site. Therefore, the majority of ARARs pertaining to groundwater will be assessed in a separate Feasibility Study (FS) for the final groundwater remedy. Those groundwater ARARs related to capping need to be addressed in the capping FS. The remainder of groundwater ARARs and the surface water ARARs still must be discussed in the capping FS and deferred therein to the groundwater FS. Knowing the capping ARARs are of particular interest to the Sauget Area 2 Sites Group (SA2SG), further discussion on these ARARs is included below.

The federal regulations governing hazardous waste landfill closure are the Resource Conservation and Recovery Act of 1976, as amended (RCRA) Subpart G (Closure and Post-Closure) and Subpart N (Closure and Post-Closure for Landfills). Illinois EPA has been authorized by USEPA to implement RCRA. The corresponding Illinois regulations for hazardous waste landfills (RCRA Subtitle C landfills) are found in 35 Illinois Administrative Code (35 IAC) 724, Subparts G and N. The Illinois solid waste landfill requirements (RCRA Subtitle D landfills) for non hazardous waste are presented in 35 IAC Parts 807 and 811.

Although the sites comprising Sauget Area 2 differ in waste disposal history and risks related to historical or potential future releases, all but Site P share the common elements of being unpermitted and containing large quantities of hazardous substances. In this circumstance, the Agencies find 35 IAC Part 724 to be relevant and appropriate for Sites O, Q, R, and S. Site P is a permitted solid waste landfill that has not undergone closure. As a result, the landfill closure and post-closure requirements of 35 IAC Part 807 are applicable to Site P and the post-closure requirements of 35 IAC 811 are relevant and appropriate.

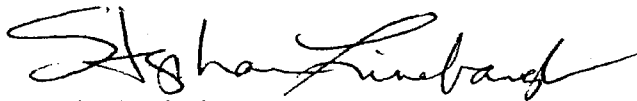
In 1989, USEPA issued a technical guidance document entitled "Final Covers on Hazardous Waste Landfills and Surface Impoundments" (EPA 1989) for use in establishing the criteria for meeting the intent of 35 IAC 724. Among other things, this document provides guidance on cover designs, reflecting some flexibility in the regulation's application. Instead of requiring a multi-component low-permeability layer, for example, the guidance sets out minimum performance standards for hazardous waste covers, which:

- Provide long-term minimization of migration of liquids through the closed landfill;
- Function with minimum maintenance;
- Promote drainage and minimize erosion or abrasion of the cover;
- Accommodate settling and subsidence so that the cover's integrity is maintained; and
- Have a permeability less than or equal to the permeability of any bottom liner system or natural subsoils present.

Detailed ARARs evaluation for specific alternatives in the existing FS was lacking. For Sites O, Q, R, and S, we expect the SA2SG to provide sufficient discussion and justification in the capping FS as to how various capping proposals satisfy the relevant and appropriate landfill closure and post-closure requirements in 35 IAC 724.410(a) and (b), consistent with the criteria set out in the guidance referenced above. The capping FS should provide similar discussion and justification of Site P alternatives in terms of compliance with the applicable non-hazardous landfill closure and post-closure requirements found in 35 IAC 807 and relevant and appropriate portions of 35 IAC 811. Demonstration that alternatives for Sites Q and R will or will not comply with capping requirements to prevent erosion, scouring and washout (35 IAC 703.184 and 724.118) from Mississippi River floodwaters must be included.

The Agencies propose a meeting date of December 1, 2010 to discuss these capping ARARs, other ARARs and the path forward for completing the RI/FS.

Sincerely,



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